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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
TY WESLEY RYAN (a/k/a Ty Wesley)
Tyan, a/k/a Ty Ryan),)
)
Defendant.)

No. CR-08-0340 SBA

STIPULATION TO SCHEDULE
HEARING FOR CHANGE OF PLEA AND
SENTENCING; ORDER EXCLUDING
TIME

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. The government and defendant have reached a negotiated disposition in which defendant will plead guilty to a binding plea agreement.

2. Accordingly, the parties hereby submit the proposed plea agreement, submitted under separate cover for the Court's consideration pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The parties further stipulate and request that the Court find and order the following:

(a) That the parties have submitted a plea agreement for the Court's

1 consideration pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and that a hearing for
2 change of plea and imposition of judgment and sentence be scheduled for 10:00 a.m. on January
3 20, 2009; and

4 (b) That the time period from October 7, 2008, through January 20, 2009, is
5 excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(I) because that period
6 of delay results from consideration by the Court of a proposed plea agreement entered into by the
7 defendant and the government pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C).

8
9 IT IS SO STIPULATED.

10 Respectfully submitted,

11 JOSEPH P. RUSSONIELLO
12 United States Attorney

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14 Dated: October 6, 2008

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WADE M. RHYNE
Assistant United States Attorney

16 Attorney for Plaintiff
17 UNITED STATES OF AMERICA

18 /S/

19 Dated: October 6, 2008

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NED SMOCK
Attorney for Defendant


21
22 **ORDER**

23 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

24 A hearing for change of plea and imposition of judgment and sentence is hereby
25 scheduled for 10:00 a.m. on January 20, 2009. Time is excluded for purposes of the Speedy
26 Trial Act from October 7, 2008, through the hearing date of January 20, 2009, pursuant to 18
27 U.S.C. § 3161(h)(1)(I) because that period of delay results from consideration by the Court of a
28 proposed plea agreement entered into by the defendant and the government pursuant to Federal

1 Rule of Criminal Procedure 11(c)(1)(C). The United States Probation Office is ordered to
2 prepare a Presentence Report for defendant. Counsel for the defendant is ordered to provide a
3 copy of this Order to the United States Probation Office.

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5 DATED: 10/7/08


6 HONORABLE SAUNDRA BROWN ARMSTRONG
7 UNITED STATES DISTRICT JUDGE
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